

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SONNIE WELLINGTON HEREFORD,)
IV., et al.,)
Plaintiffs,)
AND) CV-63-MHH-109-NE
UNITED STATES OF AMERICA,)
Plaintiff-Intervenor,)
v.)
HUNTSVILLE BOARD OF)
EDUCATION, et al.,)
Defendants.)

**NOTICE OF DEFENDANTS' FILING OF
SEVENTH CONSENT ORDER REPORT**

Introduction

Defendant, Huntsville City Board of Education (the “Board” or the “District”), files this day its seventh, annual Consent Order Report with the Court (hereinafter, collectively the “Court Report” or “Consent Order Reports”). As it has done in the past, the District files this Notice to help the Court, and the citizens of Huntsville, better understand the Consent Order Reports. This Notice provides context and explains notable features of the Consent Order Report.

As the Court is aware, the Consent Order (Doc. 450) requires many reports. Nearly all reports require data from the preceding school year. As such, the date range for the data in this year's reports is July 1, 2020, through June 30, 2021, and the data in most of these reports are from year six of the District's implementation of the Consent Order. In order to improve the reports and this document, we have included a label on each report that identifies the school year of the data. Additionally, on this Notice, we have included the relevant date range in the description of each report.

Challenges and Successes in Year Six

The District's sixth year of implementation coincided with historic challenges including a year of instruction during a pandemic and a crippling cyberattack. These challenges disrupted several of the District's longstanding processes for implementing the Consent Order. Given the aberrational nature of the 2020-21 school year, the District does not believe that the issues from 2020-21 will repeat. The District's focus in 2021-22 is largely on recovering from the uniquely challenging aspects of 2020-21, but in an effort to provide some context about the sixth year of implementation, the District offers the brief list below:

- The District has made several new hires and promoted several employees into new, important positions during the last 12 months. A few examples are as follows:
 - Emily Elam – Chief Information Officer – Ms. Elam joins the District after serving as the Chief Information Officer for Decatur City Schools.

- Elizabeth Dotts Fleming – Director of Public Development – Mrs. Dotts Fleming joins the District from The Schools Foundation. The Schools Foundation is a 501c-3 focused on supporting Huntsville City Schools, Madison City Schools, and Madison County Schools. Mrs. Dotts Fleming served as The Schools Foundation’s Executive Director before joining the District’s team.
- Zachary McWhorter – Career and Technical Education Director – Mr. McWhorter joined the District from Shelby County Schools.
- Dr. George Smith – Chief Student Equity Officer – Dr. Smith has served as a Data Analyst for the District’s Assessment and Accountability Department for several years prior to being selected to serve in his new role. Dr. Smith’s new role is particularly important for Consent Order implementation. He joins Dr. McNeal in helping oversee the Consent Order. His expertise has been in the use of data to help drive District decisions and to analyze the efficacy of District initiatives. Given the District’s need to develop plans to address the challenges of 2020-21, Dr. Smith’s expertise comes at a pivotal time in the District’s implementation of the Consent Order.
- Melissa Veasy-Lindsey – Executive Director of Prevention & Support Services – Ms. Veasy-Lindsey joins the District’s team after serving as a long-time principal for Huntsville City Schools, most recently at Williams Middle School. The Superintendent created this position to oversee the departments primarily responsible for the health, safety, and emotional wellbeing of the District’s students including counseling, nurses, and behavioral learning. Her experience as a principal will be invaluable in supporting the District across these different areas.
- The two largest challenges that the District faced during the 2020-21 school year were responding to the impact of the COVID-19 pandemic and rebuilding after a crippling cybersecurity attack. The following items were impacted by one or both of those challenges:
 - One of the unexpected results of the 2020-21 school year has been a significant reduction in AP course participation across all student populations. This is especially challenging for the District because of

the efforts the District has taken to increase AP participation during the implementation of the Consent Order. Most recently, the District sent over 700 customized letters to Black students who were not already participating in honors and AP courses to encourage them to participate in those courses. Nevertheless, the District has seen a decrease in participation. The District has revised its advance course surveys in an effort to learn why there is a disconnect between the District's efforts and the outcomes.

- The 2020-21 school year also marked the first time that the District administered Alabama's new proficiency examination, the ACAP. While the District's students' performance on the ACAP for the reading subtest showed some improvement, the performance on the math subtest and both reported ACT sub-tests showed a downturn in performance. The District believes that the disruptions caused by the response to COVID-19 impacted student performance on these exams. The District worked over the summer to develop plans to get schools back on track after the disruptions from 2020-21.
- As has been the case around the country and across industries, the District is facing significant challenges focused on employee hiring and retention. Prior to the pandemic, school systems were already beginning to feel the pinch of the teacher shortage in Alabama. The pandemic has exacerbated that situation. The District is now facing shortages across nearly every job classification. To fight this trend, the District has taken innovative steps in the creation of a Professional Learning Academy ("PLA"). The District's PLA provides financial incentives to District employees who participate in extra professional development designed by the District to support the District's strategic plan. The District will continue to keep the Court and the United States informed of ongoing staffing challenges.
- While most of the items on this list are the result of COVID-19, this last item is the result of the November/December 2020 cyberattack. Shortly after Thanksgiving 2020, the District was the victim of a cyberattack that shut down or limited the District's network operations for several weeks. Ultimately, with the help of strong community partners, the District was able to return to normal operations with one notable exception. The server responsible for the automated operation of the

District's M-to-M and Magnet transfer websites was irreparably damaged by the attack. As such, the District had to quickly develop a replacement process. This process was more manual than the District's typical automated process, and, as a result, it lacked some of the safeguards of the automated system. These safeguards were in place for several reasons including to prevent parents from applying to schools with no availability and to prevent parents from applying for a transfer if their student was ineligible. Without these safeguards, there was an uptick in the number of students whose applications for transfers were denied. For the 2021-22 school year, the District is taking steps to create an automated process – with safeguards – like the one the District used previously.

- Although 2020-21 was certainly challenging, the District continues to have a healthy fund balance. As of the writing of this Cover Memorandum, the Board's general fund (bolstered by significant federal money as a response to COVID-19) balance is \$90,927,035. While the new federal dollars tied to COVID-19 certainly help, even without that new funding, the District believes it is in a positive financial position.
- Another notable change for the District was the retirement of long-time Board member Walker McGinnis. In May of 2021, Mr. McGinnis announced that he would be stepping down from the Board of Education. Mr. McGinnis was a long-time educator before joining the Board, and he will be missed. In his place, the Huntsville City Council selected Ryan Renaud to serve as the Board member for District 4.
- Despite the hope for a more typical school year, the 2021-22 school year has not been without significant challenges.
 - As was discussed in the Superintendent's Response to the DAC's 2019-20 and 2020-21 Reports, the District has been working to replace the roof and HVAC units at Highlands Elementary School. During the process of the roof replacement, a communication failure by the District led to community unrest and concerns of an unsafe environment for students, and this further led to the District deciding to move the students from Highlands Elementary School's campus. The District recognizes the significance of this failure and the importance of correcting this for the families of Highlands Elementary. As such, the

District has been taking steps to ensure that the return to the Highlands Elementary School campus for the 2022-23 school year will be a smooth and happy experience for the Highlands faculty, staff, students, and families.

- Last, the Board's composition could look significantly different by the time the District files its reports in November of 2022. The citizens of Huntsville will vote on Districts 2, 3, and 4 (currently held by Beth Wilder, Elisa Ferrell, and Ryan Renaud, respectively). The District will update the Court of result of these elections in its next Cover Memorandum (if not sooner).

Description of the Reports

This section of the Notice lists each Consent Order reporting requirement, in order, along with contextual notes, if any, as to that reporting requirement.

II. STUDENT ASSIGNMENT

D. Majority-to-Minority Transfers

II.D.8.a.: A report containing the following information for each application requesting a transfer effective for that school year: student identification number; applicant name; address; race; grade level; home/zoned school; school(s) to which transfer sought; each type of transfer requested; the outcome (including, for each transfer granted, identification of the school to which the transfer was approved); and the basis for the denial, if any. *The date range for this report is October 1, 2020 to September 30, 2021.*

Notes:

This reporting requirement is similar to the one required by the 1970 Singleton Order. (Doc. 65). This year's report shows that 257 students were offered a M-to-M transfer and accepted it. This number represents a decrease in the number of

offered and accepted M-to-M transfers as compared to the two prior years of data. As in prior years, the three schools with the largest number of M-to-M transfers were Blossomwood Elementary School with 39, Huntsville Junior High School with 35, and Huntsville High School with 62.

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II.D.8.b.1.: Transfer wait list information maintained pursuant to Section II.D.2.b.12., as of the expiration date of the wait list. The District may report this information separately or as part of the Excel spreadsheet described in Section II.D.8.a. *The date range for this report is October 1, 2020 to September 30, 2021.*

Notes:

The District included this information on Report II.D.8.a. Any student who sought a M-to-M Transfer but was placed on a waitlist and remained on the waitlist as of its expiration are listed as “Denied Due to Space”. Students who were placed on the waitlist initially but were later offered a transfer will show as either “Offered and Accepted” or “Offered and Declined”, depending on their circumstances.

This year, the District had 28 students on the waitlist when it expired. While an increase over last year’s data, the data remains in line with data from 2016-17 through 2018-19:

M-to-M Waitlist			
Year	Black	White	Total
2014-15	89	1	90
2015-16	129	1	130
2016-17	18	4	22
2017-18	38	0	38
2018-19	20	0	20
2019-20	0	0	0
2020-21	28	0	28

Additionally, 38 students were denied a M-to-M transfer due to ineligibility.

Denied due to ineligibility includes transfer requests involving pre-kindergarten students, transfer requests by non-Black and non-White students, and situations where the student's race was not in the majority.

The increase in the number of transfers denied was primarily due to the December 2020 cyberattack. As described above, the cyberattack compromised the server that housed the District's data and information necessary to operate the District's M-to-M transfer system. The District was forced to completely rebuild the M-to-M transfer system. This proved to be a very difficult task. Additionally, the state-wide student data management system transition from I-Now to Powerschool negatively impacted the District's ability to tie student data to the transfer system. Put simply, in prior years, the District's transfer system had safeguards that prevented applicants from mistakenly selecting a school without capacity and helped reduce the number of transfer requests from ineligible

applicants. The system used during 2020-2021 school year did not have those same safeguards.

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II.D.8.b.2.: Results of M-to-M surveys conducted *during the 2020-21 school year* pursuant to Section II.D.6.b.

Notes:

The District was able to complete both the student and parent M-to-M surveys as it has in prior years.¹ The District used a similar process for completing the surveys as was used in prior years. (See Doc. 598, pp. 10-13; see also Doc. 542, pp. 9-11). However, the District did change the survey login procedure to ensure access for students taking classes virtually through the District's Huntsville Virtual Academy ("HVA"). In short, instead of using an access code for survey log in, the District allowed students to log in using the unique identifier that students use to access their devices and other District learning platforms.

The District received 374 student responses for a response rate of 73%. While the student response rate was lower than in prior years, the District was satisfied with the response rate in light of COVID-19 and the challenges facing the District. District-wide, 72% of students on a M-to-M transfer gave a favorable response to the statement "I feel welcome at my school." This represents an 8% decrease as

¹ As a reminder, because of COVID-19, the District was not able to complete the student M-to-M survey for the 2019-2020 school year. (See Doc. 698, p. 4).

compared to data from the 2018-2019 survey. However, the District saw increases in favorable responses for the statements “I get along with teachers at my school” (74% favorable responses) and “I get along with other students at my school” (71% favorable responses). For parents, the District received 195 responses for a response rate of 36%. The parent response rate and response data was very similar to data in prior years.

* * *

II.D.8.b.3.: For the 2020-2021 school year, District marketing efforts regarding the M-to-M program, including examples of marketing materials.

Notes:

This report contains a list of the M-to-M marketing activities of the District during the 2020-2021 school year. This report also includes copies of example advertising materials. As in year’s past, the District’s marketing efforts included sending a letter to students with an expiring M-to-M transfer notifying students of the expiring transfer, need to reapply, and details about the M-to-M application process. Additionally, the District advertised the M-to-M program via Twitter, Facebook, ETV, District website, robocalls, text messages, e-mails, and newsletters. The District’s efforts also included a Facebook Live presentation explaining how M-to-M transfers operate including the timeline and application process. The District continued to advertise the M-to-M application timeline and process through the

District's website, ETV, robocalls, text messages, school marquis, flyers, social media, and newsletters throughout November and December 2020, and January 2021. The District did not complete any in-person marketing events during the 2020-2021 school year.

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II.D.8.b.4.: For the 2020-21 school year, transportation schedules, to be filed under seal.

Notes:

This report, although sealed for the protection of students, demonstrates that all of the M-to-M buses meet the District's travel time guidelines. Given the geographic size of the City of Huntsville, this is not an easy task both as a matter of logistics and as a matter of cost.

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F. MAGNET PROGRAMS

II.F.1.: For applications submitted during the 2020-2021 school year, for each magnet program, student applicant data that includes: the number of applicants, disaggregated by race; the number of students accepted, disaggregated by race; the number of students who are not accepted, disaggregated by race (including reason(s) for a student not being accepted); the number of students enrolled, disaggregated by race; and the number of students who withdrew or transferred out of the magnet program, disaggregated by race, (including the reason(s), to the extent available, for the withdrawal or transfer).

Notes:

To accurately report the requested data, the reasons for a student not being accepted in his or her desired magnet program have been split into different categories: ineligibility; committee review score; and space. Each category has its own column on the report so that the data could be disaggregated by race. Also, when reading this report, it is important to understand the following:

- 1,214 students completed applications, but applicants can list up to two magnet programs in their application;
- The 1,214 students submitted 1,971 applications across all magnet programs;
- The number of applications (1,971) exceeds the number of applicants (1,214) because some of applicants applied to more than one program.
- Like for report II.D.8.b.1., the District does not track a separate waitlist. Instead, all students who were “denied due to space” would have been on the waitlist for magnet when the waitlist expired.

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II.F.2.: *For the 2020-21 school year, a report of magnet marketing and recruitment efforts taken for the previous school year, including samples of brochures and advertisements, and where appropriate, the date and location of the marketing and recruitment.*

Notes:

This report contains a list of the Magnet marketing and recruiting activities of the District during the 2020-21 school year. Last year’s Cover Memorandum mistakenly indicated that it contained a list of marketing activities for the 2020-2021

school year. (See Doc. 698, p. 12). However, last year's spreadsheet and supporting materials were for the 2019-2020 school year.

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II.F.3.: For the 2021-22 school year, a report of the magnet courses offered at each magnet school/program for the current school year.

Notes:

This report lists the magnet courses offered and taught at each magnet school/program for the 2021-2022 school year. For the 2021-2022 school year, all magnet schools and programs are offering unique courses both in-person and virtually. This report also contains information regarding magnet course duplication in the column labeled “Duplication.”

The Alabama State Department of Education updated available course codes for the 2021-2022 school year. The District worked hard to comb through the new state course codes to identify magnet specific course offerings for the District’s magnet schools and programs. Where a course code was not available, the District created necessary course codes. This year, all magnet schools and programs have their own unique course codes. While this is an important step towards ensuring no course duplication, the District will still ensure that courses with different course codes (i.e. magnet course code versus non-magnet course code) are not providing similar content and instruction such that duplication becomes a concern.

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II.F.4.: For the 2021-22 school year, the District's efforts to review and respond to duplication of magnet courses in the District.

Notes:

This report contains a narrative description of the efforts that the District has taken to protect the unique magnet course programming at the District's magnet schools and programs. As stated above, no magnet courses are duplicated in 2021-2022.

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II.F.5.: For the 2020-2021 school year, a report that includes for each student enrolled in a dual enrollment course: the student's name or identification number; school attended; the magnet program attended, if any; grade; the name of each dual enrollment course; and the institution of higher education affiliated with each dual enrollment course.

Notes:

As described in previous Cover Notices, an accurate reading of this report requires understanding the difference between courses listed as "CTE" and "Core" under the "Course Type" column. Section II.D.7.h of the Consent Order (Doc. 450, pp. 33-34) requires the District to limit the number of dual enrollment courses that a student may take to one per year unless the Superintendent approves the student taking additional courses. This limitation does not apply to career technical courses. To help the reader of this report identify the dual enrollment courses to which this limitation applies, the District has designated dual enrollment courses as either

“Core” or “CTE”. The dual enrollment courses that are limited by the Consent Order are identified as “Core,” and those that are not are identified as “CTE”.

In last year’s report, the District only reported data for dual enrollment courses taken in the Fall of 2019. Thus, in this year’s report, the District has provided data for dual enrollment courses taken in the Spring of 2020, Summer of 2020, Fall of 2020, and Spring of 2021. To make things as clear as possible, the District has provided two spreadsheets. One spreadsheet reflects the dual enrollment courses taken in the 2019-2020 school year. The second spreadsheet reflects dual enrollment courses taken in the 2020-2021 school year.

The District has continued to see an increase in the number of students taking dual enrollment courses. For example, in the Fall of 2020 and Spring of 2021, students took a combined total of 255 dual enrollment courses (as compared to 197 in 2019-2020). In the Fall of 2020 and Spring of 2021, District students completed dual enrollment courses through Calhoun Community College (130 total), J.F. Drake State Community and Technical College (101 total), the University of Alabama in Huntsville (13 total), the University of Alabama (10 total), and Auburn University (1 total).

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III. EQUITABLE ACCESS TO COURSE OFFERINGS AND PROGRAMS

III.M.1.a.: *For the 2021-22 school year*, a list of all AP and IB diploma courses taught in each high school and the enrollment in each AP or IB Diploma course in each high school, disaggregated by race.

Notes:

This report lists each AP and, for Columbia High School, IB Diploma course taught at each school and the racial demographics of the students enrolled in each class. When reading the table, for each course, the number of students under the race columns represents actual students taking the listed course. However, a student may be included in multiple rows if that student is taking multiple AP or IB Diploma courses. In fact, many students are. This means that the row labeled “Non-Distinct Enrollment Count” for each school contains students who are counted multiple times.

This year marks the lowest participation numbers for both Black and White students since the beginning of the implementation of the Consent Order. During the 20-21 school year, the District saw an increase in participation rates for Black and White students; however, following a complete year of COVID-19, the District’s students have enrolled in significantly fewer total AP courses District-wide as reflected below:

	Black AP/IB Enrollment				White AP/IB Enrollment		
	19-20	20-21	21-22		19-20	20-21	21-22
Total	662	850	531		2512	2660	2128
Grissom	65	82	45		995	1031	747
Huntsville	92	99	57		1183	1180	1015
Columbia IB	174	132	67		96	57	39
Columbia AP	28	39	34		6	20	11
Lee	101	83	105		51	53	46
Jemison	285	278	118		34	24	24
NCTHS	91	137	105		243	295	246

The District has largely seen a steady percentage of subgroups participating in AP courses since the implementation of the Consent Order. However, the District saw a decrease in the percentage of each subgroup that chose to participate in AP courses for the 2021-22 school year, as shown below:

Percent of Group in an AP Course				
	Black	White	Other	All
2015-16	18%	40%	26%	29%
2016-17	19%	42%	27%	30%
2017-18	18%	41%	28%	30%
2018-19	18%	41%	27%	30%
2019-20	17%	39%	23%	28%
2020-21	16%	39%	26%	28%
2021-22	12%	34%	20%	22%

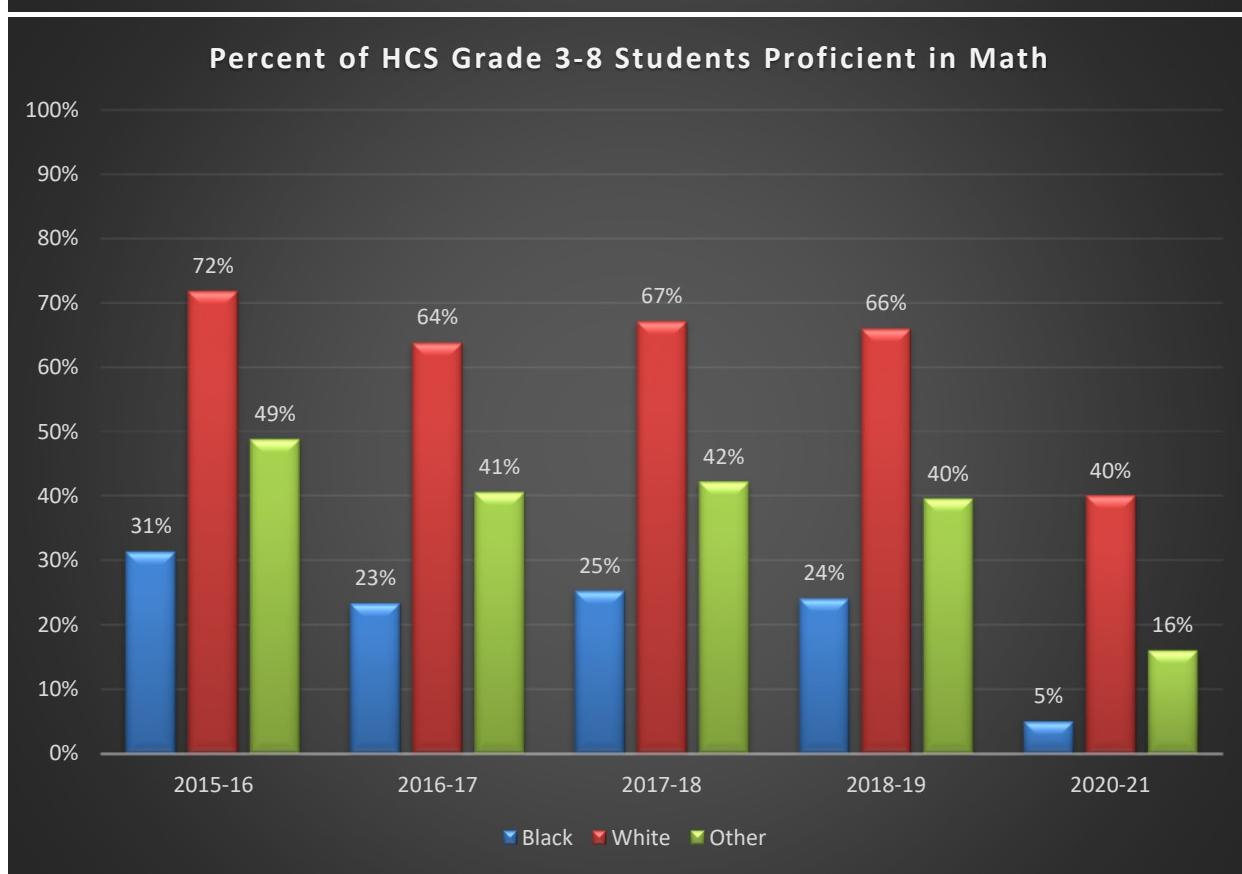
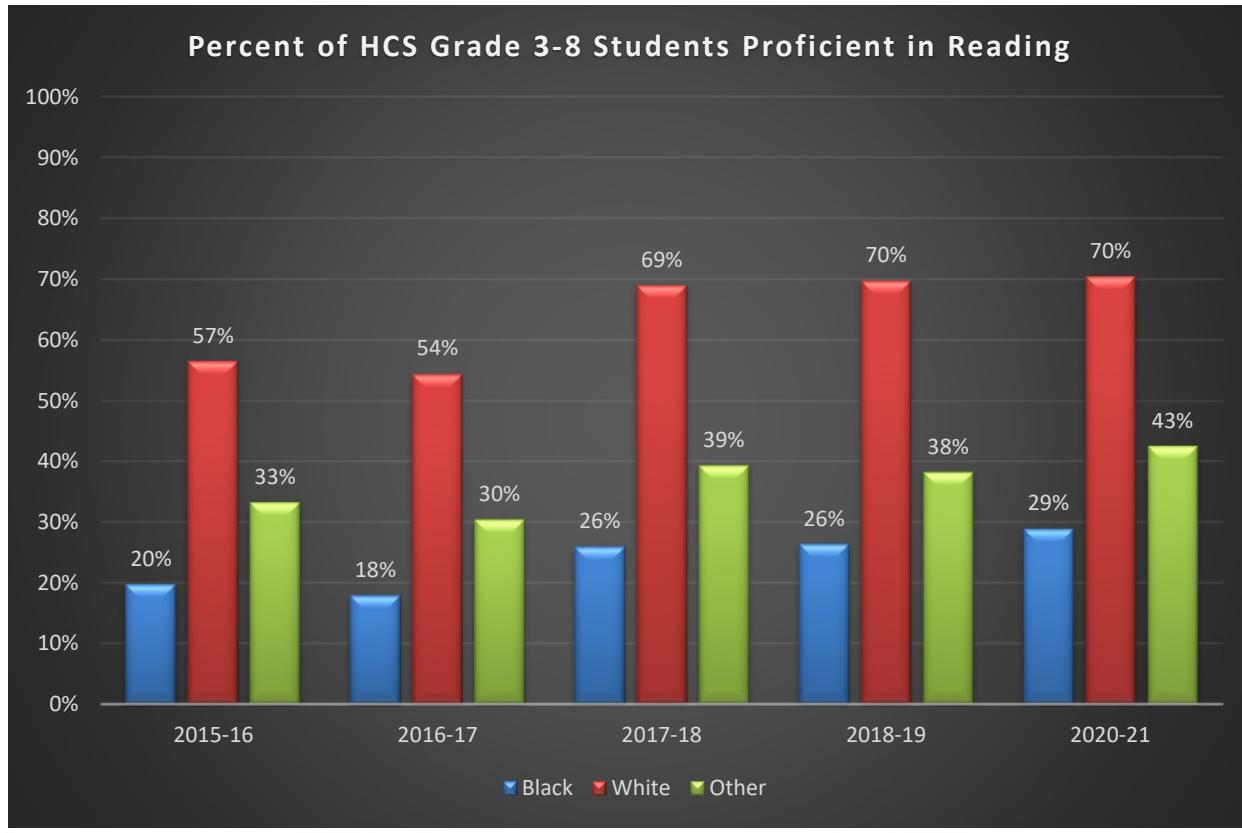
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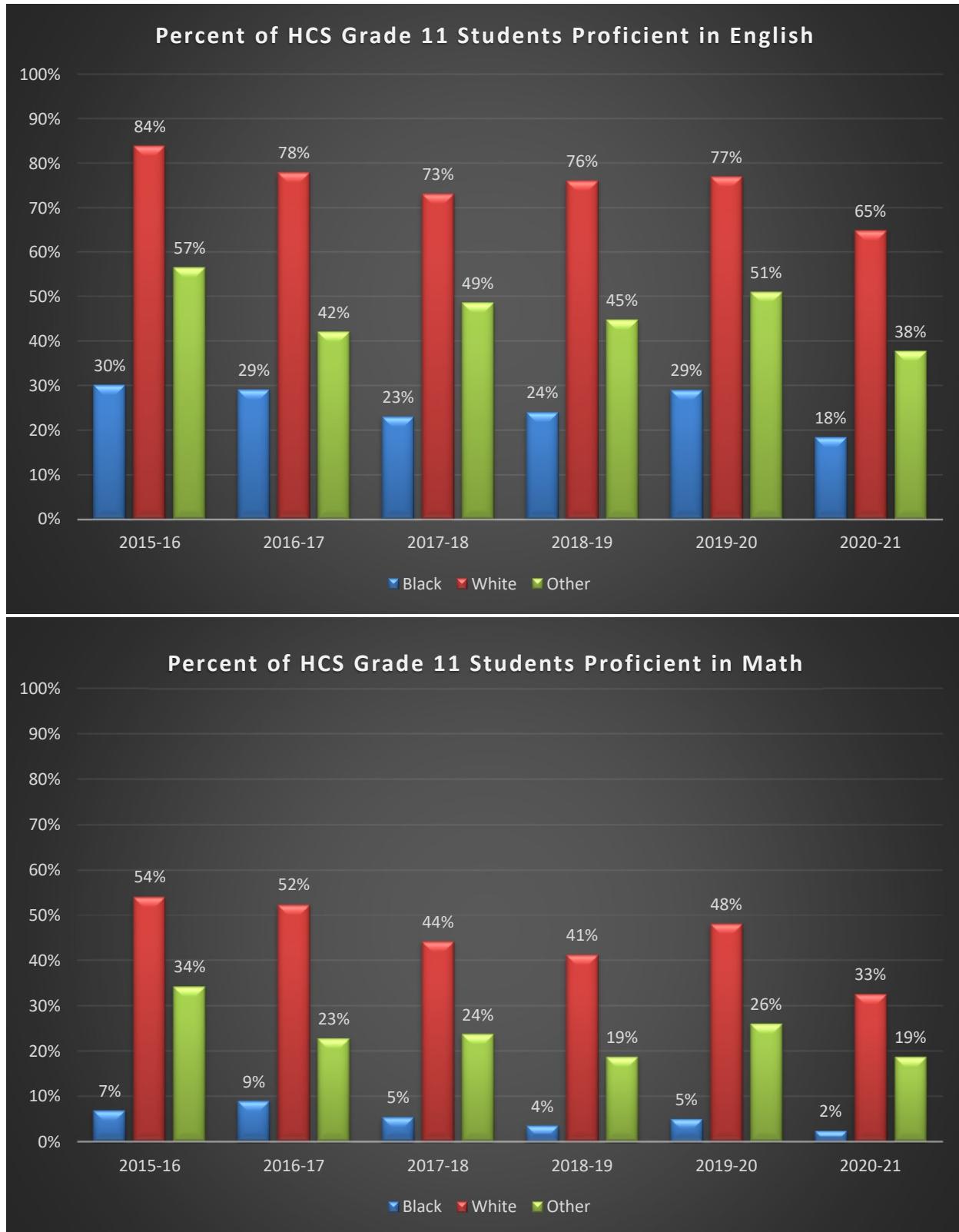
III.M.1.b.: *For the 2020-21 school year, academic proficiency of students in English and Math in the District and by school, as measured by the State assessments disaggregated by race.*

Notes:

As mentioned above, this is an area that the District believes COVID-19 significantly impacted students during the 2020-21 school year. As explained last year, the District was unable to take proficiency examinations for students in grades three through eight for the 2019-20 school year. This means that in addition to the shifting school schedule last year, students in grades three through eight were significantly out of practice in taking such examinations. This was coupled with the start of a new examination (the ACAP). These factors appeared to contribute to a downturn in performance on the math subtest of the ACAP. Fortunately, the District's students managed to navigate these difficulties and performed as well or better on the reading subtest of the ACAP.

Last year, the District was only able to report on its secondary proficiency measures. As a reminder, the District's secondary proficiency is solely tied to eleventh grade student performance on the ACT. Like the math test for ACAP, student performance on the ACT took a downturn from previous years.





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III.M.1.c.: *For the 2021-22 school year*, a list of teachers hired or assigned by each high school to teach an AP or IB Diploma course, the course(s) taught by each teacher, the number of sections taught by each teacher, and the credentials of each teacher.

Notes:

This report contains extensive information regarding the District's AP and IB Diploma course teachers. The District continues to make the retention of AP and IB Diploma course teachers a priority. As explained last year, one of the challenges presented by COVID-19 has been the retention and recruitment of employees— as it has been in many industries. Notwithstanding those challenges, Report III.M.1.c shows that the District's AP and IB teachers are comparable across its high schools.

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III.M.1.d.: *For the 2021-22 school year*, a report for each school that includes the employee number of each teacher, his or her race, professional degrees, certifications, years of experience (3 years of less and more than years) and course or courses taught.

Notes:

As explained in prior Court Reports, this report divides the teachers into separate spreadsheets based on their school and between those who teach 15 or fewer courses and those who teach more than 15, if applicable.

Like previous years, some teachers still occupy multiple rows on the spreadsheet. The reason for this is that these teachers have multiple certifications and degrees, and the District's tracking software for certified staff creates multiple

rows for a single teacher to account for each of that teacher's certification and degrees. The rest of the information on the row should be identical to all other rows with the same teacher's name.

When the Court granted the District's Unopposed Motion to Modify Student Assignment (doc. 644), the District split its remaining P-8 schools (AAA, ASFL, Chapman, Morris, Mountain Gap, and Whitesburg) into separate elementary and middle schools. In keeping with the Court's Order granting that Motion, the District notes that the Court and United States can review the data for the former combined pre-Kindergarten through eighth grade campuses by combining the data from the separate elementary and middle school pages for the respective school.

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III.M.1.e.: *For the 2020-21 school year, a list of professional development activities required by Section III, including the date, duration, subject matter, presenter, and number of individuals in attendance by group (e.g., principals, teachers, etc.).*

Notes:

Implementing the Consent Order requires extensive professional development and training for District employees. While this report is extensive, it only covers the professional development required as part of Section III of the Consent Order. Professional development related to other aspects of the Consent Order are not included in this report.

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III.M.1.f.: *For the 2020-21 school year, a list of parent/guardian outreach activities, including the date, duration, and approximate number of individuals in attendance, and estimate of participation levels by race.*

Notes:

As emphasized in previous Court Reports, one of the key features of the Consent Order is parent/guardian and family outreach. This report demonstrates the scope of the parent/guardian outreach performed by the District pertaining to Section III of the Consent Order.

Like prior years, the District's outreach activities during 2020-21 encompassed a wide array of topics and programs. For example, the District's secondary department sent over 700 customized letters to Black students across the District who had a record of academic success but who had not yet enrolled in an AP or Honors course.

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III.M.1.g.: *For the 2020-21 school year, a list of student support services offered pursuant to Section III.H.*

Notes:

This report shows the support services used by school leaders, teachers and other certified staff during the 2020-21 school year.

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III.M.1.h.: *For the 2020-21 school year, a report of the results of the survey required by Section III.I.7.² and action steps taken based on the survey results.*

Notes:

Unlike last year, the District was able to complete the advanced course surveys.³ The District used a similar process for completing the surveys as was used in prior years. (See Doc. 598, pp. 10-13; see also Doc. 542, pp. 9-11). One notable change involved streamlining the survey login procedure to ensure access for students taking classes virtually through the District’s Huntsville Virtual Academy (“HVA”).

The District added a number of new questions to the survey this year to better assess respondents’ views on access to and participation in advanced courses. The new questions are those that have “NA” under the under the various columns labeled “2018-19 % of Response Choice.” Since these are new questions, the District does not have data from previous reporting years.

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² The Consent Order contains a typo in this reporting requirement. It should read “Section III.H.7.” instead of III.I.7. However, to ensure that this document matches the Consent Order, the language from the Consent Order has been used.

³ As a reminder, because of COVID-19, the District was not able to complete the advanced course survey for the 2019-2020 school year. (See Doc. 698-4, p. 353).

III.M.2.: The District will provide the data reviewed and the plans developed pursuant to Section III.M. to the United States. The District will provide a summary of the data reviewed and the plans developed pursuant to Section III.M. to the Court.

Notes:

The District will provide the data and plans developed during its self-monitoring process to the United States. Report III.M.2. is a narrative summary of the plans and data.

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IV. EXTRACURRICULAR ACTIVITIES

IV.H.1.: *For the 2020-2021 school year*, a list of extracurricular activities offered in the District, by school and core activity category where applicable.

Notes:

This report shows the extracurricular clubs and activities of each school. All elementary schools in the District offered a math club. Notably, the District completed a virtual math competition open to all District elementary math teams during the Spring of 2021. At the middle school level, Huntsville Junior High School failed to have participation in the required number of academic clubs or teams and McNair Junior High School failed to have participation on its math team. All high schools offered the minimum number of clubs required by the Consent Order.

Grissom High School hosted a four round math competition that was open to middle and high school students around the District.

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IV.H.2.: For the 2020-2021 school year, school participation rates and targets in the Elementary School Core Activity and the Middle/Junior High School Core Activities and any actions taken by the District to support schools in meeting participation targets.

Notes:

Unfortunately, due to COVID-19, the District's extracurricular participation rates decreased significantly during the 2019-2020 (spring semester) and 2020-2021 school year. For the 2020-2021 school year, the District was not able to consistently and meaningfully track student participation data in extracurricular activities. While the District does have data as to student participation, the District does not believe the data is reliable or an accurate representation of student participation in extracurricular clubs. Nonetheless, the District has provided the data it has to the Court and community in an effort to be transparent.

The main reason for the decrease in participation rates and lack of participation data was COVID-19. The issues COVID-19 created for the District were comprehensive, but the District will do its best to summarize the many challenges it faced.

First, the District implemented significant social distancing measures to combat the spread of COVID-19 during the 2020-2021 school year. These measures included virtual school, alternating schedules for in-person learning, quarantines, exclusions, and limiting activities that required students to congregate. The District's social distancing measures made gathering for extracurricular clubs significantly more difficult, and at times, nearly impossible. Many students were not at school at all because they were taking classes virtually. Those that were at school could not easily meet because of concerns related to the spread of COVID-19. While offering clubs virtually seemed like a viable option, it proved not to be successful. Many students did not show up or participate in virtual club meetings on a consistent basis. Additionally, as the COVID-19 pandemic evolved during 2020-21, so did the District's response (e.g., switching learning models (virtual, in-person, hybrid), student and staff quarantines, school closures due to extreme spread of COVID-19). This made setting extracurricular club meetings and activities logistically challenging to say the least.

Second, the District's social distancing measures included the elimination of Power Hour (a set time during the day for students to congregate and participate in extracurricular clubs) for the Spring of 2020 and entire 2020-2021 school year. The abrupt loss of Power Hour made tracking extracurricular data significantly more

difficult. Additionally, the loss of Power Hour negatively impacted the ability of schools to easily offer a significant number of extracurricular clubs.

Third, the District's teachers and staff were overworked, overloaded, and exhausted. District teachers and staff were forced to pull off virtual instruction at a moment's notice in the Spring of 2020. This was an incredibly difficult task. Then, in the 2020-2021 school year, District teachers and staff were asked to successfully educate students in the midst of an unprecedented pandemic while transitioning between multiple learning models (in-person, virtual, and hybrid). Teachers and staff worked long hours and gave everything they had towards the goal of making up for lost instructional time (caused by the school closure in March 2020). Understandably, it became very difficult for school leaders to find teachers and staff members to sponsor clubs. Teachers and staff members simply lacked the time to complete all the requirements necessary related to academics plus meaningfully sponsor an extracurricular club.

Finally, for those teachers that did take on additional duties to sponsor extracurricular clubs, securing consistent student participation was challenging. Many students struggled to keep up with classwork and maintain grades during the pandemic. Student participation was fluid throughout the year. In other words, a group of students may show up to the first club meeting. Then, an entirely different group of students may show up to the second meeting. Further, the sponsor or

students would miss club meetings or have to cancel club meetings due to quarantine. The fluidity of participation and struggles to regularly meet made tracking participation very difficult.

In sum, the District lacks meaningful and reliable data for student participation in extracurricular clubs for the 2020-2021 school year. The District has identified the correction of this issue as paramount for the 2021-2022 school year.

* * *

IV.H.3.: For the 2020-2021 school year, a description of measures taken by the District to make students aware of academic clubs and related extracurricular opportunities.

Notes:

This report shows the District-wide measures for making students aware of academic clubs and related extracurricular activities. In addition to these measures, each school leader informed students about the extracurricular activities available at their school. The method for informing students about the extracurricular activities varied from school to school, and included posters, school-wide announcements, and additional in-school opportunities to learn about clubs.

* * *

V. FACULTY

V.D.1.: *For the 2020-2021 school year*, a list of the members of each committee involved in the recruitment, hiring, assignment, retention, or promotion of administrators, faculty, and certified staff. The list will include: name of committee; each committee member's name; his or her race; position (title and location) and date(s) on which he or she served on the committee.

Notes:

This report shows the names of the individuals who served on the District's Teacher Screening Committee or Administrative Committee. The two committees are used to recruit, hire, assign, retain, or promote administrators, faculty, and certified staff. For 2020-2021, the District had 47 employees participate on a screening committee.⁴ Of those 47 employees, 22 are White, 23 are Black, and 2 are Other.

* * *

V.D.2.: *For the 2020-21 school year*, documentation of any exigent circumstances pursuant to Section V.A.1.

Notes:

The Consent Order requires the District to use selection committees composed of individuals who reflect the District-wide racial composition of certified teachers. Exceptions to this requirement must be based on exigent circumstances. During the

⁴ Report V.D.1. lists 52 total employees. However, five employees are listed twice because they participated on both the Teacher Screening Committee and Administrative Committee.

reporting period, there were 3 interview committees that failed to reflect the District-wide racial composition. The District completed a total of 590 interviews between July 2020 and June 2021. Thus, only 0.51% of interviews failed to reflect the District-wide racial composition due to an exigent circumstance.

* * *

V.D.3.: For the 2020-21 school year, the total number of certified administrators, by race and position, in the District's central office.

Notes:

For purposes of this report, administrator means either a coordinator or director level position. The demographics of certified administrators in the District's central office is 38% Black, 54% White, and 8% Other. Last year's report showed 9 Black certified administrators in the central office. This year's report shows 10 Black central office certified administrators.

* * *

V.D.4.: For the 2020-21 school year, the total number and percentage of teachers and administrators, by race and by position, in each school facility operated in the District. For reporting purposes, principals will be identified separately from assistant principals.

Notes:

To help better understand this report, it is important to understand that the Consent Order requires that the report distinguish between principals and assistant principals for reporting purposes. Many schools have only a single principal and

assistant principal. When there is a single person filling a category, the report will always show that 100% of the individuals in that category are White, Black, or Other depending on the individual's race.

For the 2020-2021 school year, the racial demographics of the District's certified teachers, assistant principals, and principals are as follows:

- **Certified teachers:** 27% Black 71% White 2% Other
- **Principals:** 53% Black 40% White 7% Other
- **Asst. Principals:** 59% Black 39% White 2% Other

This year's report shows the highest number of Black principals in the District since the District began reporting data. Additionally, during the 2020-2021 school year, a majority of the District's principals and assistant principals were Black. The District is seeing the fruits of its commitment to developing Black administrators.

Year	No. Black Principals
2020-21	23
2019-20	21
2018-19	16
2017-18	11
2016-17	11
2015-16	14
2014-15	13

Also noteworthy is that the District's number and percentage of Black teachers has remained stable during the implementation of the Consent Order.

* * *

V.D.5.: *For the 2020-21 school year, a list of each certified staff member, such as administrators and faculty, transferred, including: his or her name; race; position; self-reported years of experience; school to which he or she was previously assigned; school to which he or she was transferred; effective date of the transfer; indication of whether the transfer was requested by the certified staff member or initiated by the District or both; and the reason(s) for the transfer.*

Notes:

This report shows a variety of reasons why the Board transferred an employee or why an individual requested a transfer. This year's report shows a total of 85 transfers, which is a significant decrease over last year's reported 244 transfers. Additionally, this is the lowest number of transfers reported by the District since the Consent Order was approved by the Court. Of the 85 transfers, 36 were involuntary and 49 were voluntary. Of the 36 involuntary transfers (the reasons were: Administrative Directive or Overage to Underage), 7 were Black (19.4%) and 29 were White (80.6%). Of the 49 voluntary transfers, 29 were Black (59.2%) and 20 were White (40.8%).

* * *

V.D.6.: *For the 2020-21 school year, a description of the measures the District is taking to ensure the equitable selection of Black principals pursuant to Section V.A.2.*

Notes:

The measures listed on this report are designed to ensure that qualified applicants are equitably selected for available principal positions. Many of the

efforts are designed to give qualified teachers a chance to gain leadership experience. Based on the District's continued increase in the number and percentage of Black principals and assistant principals, the measures appear to be effective.

* * *

V.D.7.: *For the 2020-21 school year*, a list of all recruiting/job fairs in which the District participated, including the date and location of each such fair.

Notes:

This report shows the job fairs in which the District participated along with the date and location of each fair. All of the listed recruiting events were attended virtually except for the University of North Alabama event on November 18, 2020. The District hosted its own job fair, albeit virtually, on April 22, 2021.

* * *

V.D.8.: *For the 2020-21 school year*, a list of each central office certified administrator hired, including the administrator's name, race, position, date of hire, and starting salary (including step and grade).

Notes:

This report shows all individuals the Board selected to fill a central office coordinator or director position who were not previously employed at the central office. It also includes individuals who were employed by the Board – in a non-central office position – at the time they were selected for their central office coordinator or director position. While such individuals are not “hired” for the first time, they are “hired” to be central office administrators. The report shows that the

District hired three new central office certified administrators. Of those three new central office certified administrators, two are Black and one is White.

* * *

V.D.9.: *For the 2020-21 school year*, a list of each central office certified administrator promoted, including the administrator's name, race, prior position and salary, and new position and salary.

Notes:

This report shows one individual who already worked at the central office who was promoted to a higher central office coordinator or director position.

* * *

V.D.10.: *For the 2020-21 school year*, a list of each certified staff member, such as administrators and faculty, who received incentive pay, including his or her name, race, position (title and location), salary grade and step, and incentive amount.

Notes:

The 2018-19 school year was the last year that the District offered incentive pay to certified employees. Incentive pay was not offered in the 2020-21 school year, and that is reflected in this year's report.

* * *

V.D.11.: *For the 2020-21 school year*, a list of certified staff members, such as administrators and faculty, who were demoted, suspended, or dismissed/terminated, including each person's name, race, position/title, and date of demotion, suspension, or dismissal/termination.

Notes:

This report shows 61 teachers received a demotion, suspension, or termination during the 2020-21 school year. Most teachers who were dismissed from employment for the Board were probationary (non-tenured) teachers. As probationary teachers, these teachers have not worked for the Board for three consecutive years. On this document, these teachers have the designation of “Non-Tenured, Not Returned.” Fifty-three of the 62 teachers listed were non-renewed probationary teachers. Of those 53, 23 were Black (43%), 28 were White (53%), and 2 were Other (4%). The report shows 5 employees either resigned or retired in lieu of termination. Of those 5 employees, 3 were Black and 2 were White. The report also shows 1 termination (White). This is the first termination the District has reported since the 2016-2017 school year.

* * *

V.D.12.: For the 2020-21 school year, a list containing information about each candidate submitted to a school for consideration to fill a vacant position, including: candidate’s name; his or her race; an indication of whether he or she was screened at the District level; his or her certification(s), if any; his or her self-reported total years of experience; school and vacant certified position for which his or her name was submitted; date on which that submission occurred; candidate(s) selected by the principal to fill the vacant certified position; and candidate(s) placed in the position.

Notes:

This report contains a considerable amount of information, and for some applicants, the only information is self-reported. For applicants who were not recommended for a position, the District does not perform follow-up information verification. These individuals will only have self-reported information.

The District received 1,125 applications for consideration. The majority of these 1,125 applicants were White. More specifically, 223 were Black (15.6%); 689 were White (68.9%); 85 were Other (3.6%); and 128 did not report a race (11.9%).

Race	Submitted for Consideration	Selected for Position	Selection Percentage
Black	223	70	31.4%
White	689	194	28.2%
Other	85	30	35.3%

While the District selected more total White applicants for vacant positions than Black applicants, the District selected Black applicants at a higher rate than White applicants (31.4% compared to 28.2%). The highest selection rate for candidates in this report was for Other, which had a 35.3% selection rate.

* * *

V.D.13.: *For the 2020-21 school year, a list of all candidates nominated for the TOSA program, or any similar program, and for each eligible candidate: candidate's name; his or her race; school to which he or she was assigned; grade level(s) and/or course(s) he or she taught; individual who nominated him or her; an indication whether he or she accepted any invitation to interview; members of his or her interview committee; and an indication whether he or she was selected to participate in the TOSA program or any similar program.*

Notes:

This report shows that the District did not screen any new TOSAs. As explained in previous years, the District phased out the TOSA Program.

* * *

VI. FACILITIES

VI.C.: The District's progress on the construction of Morris Pre-K-8 School, Jemison High School, McNair Junior High School, Grissom High School, Whitesburg Pre-K-8 School, and Hereford Elementary School, and the District's progress on the renovation of AAA.

Notes:

To date, the District has completed all the above tasks in the Facilities section of the Consent Order, and it has no additional reports for this year.

* * *

VI.C.: The District's progress on the renovation of Martin Luther King, Jr. Elementary School.

Notes:

As a reminder, the District completed the renovations of Martin Luther King, Jr. Elementary School significantly ahead of the December 2016 deadline. There

are no reports for this.

* * *

VI.C.: The District's progress towards removing remaining portable classrooms.

Notes:

This report shows that the District has 14 portables (“modular buildings”) in use during the 2021-2022 school year. One modular building is housed at the United States Space and Rocket Center (“USSRC”). This modular building has been in place since 2019-2020 and houses the District’s culinary arts program that the District operates in tandem with the USSRC.

The remaining modular buildings are new and are located at the following schools: Whitesburg Elementary/Middle (2), Morris Elementary/Middle (2), Goldsmith-Schiffman Elementary (2), Grissom High School (4), and Hampton Cove Elementary/Middle (3). These portables were emplaced in September 2021 as a temporary measure to address capacity issues. As of the filing of this report, the portables are not being used by students. The delay in student use was caused by a delay in the installation of all utilities to the modular buildings.

* * *

VI.C.: Implementation of the District’s Playground Plan.

Notes:

This report shows that the District is still in the process of completing a new

playground at Ridgecrest Elementary School. The construction of the Ridgecrest Elementary School playground improvement has been hampered and delayed by COVID-19. However, the design and bid process for the project has been completed. Below, the District has provided photos of the playground layout. The first photo depicts the playground for ages 2-5. The second photo depicts the layout for ages 5-12.





* * *

VI.C.: Implementation of the District's SMALLab Plans.

Notes:

The Consent Order requires the District to “ensure that each existing school with grades seven and eight and each school with grades seven and eight that is built as part of the District’s Construction Plan is fitted with a SMALLab and that all SMALLabs are of comparable quality.” (Doc. 450, p. 71). As a reminder, the District has completed this requirement, and it does not have a new document for this report. The District has been considering converting the SMALLab rooms back into classrooms. As classroom technology has improved over time, the need for and use of SMALLabs has diminished. The District is working on a plan for converting the classrooms to share with the United States and, ultimately, the Court.

* * *

VII. STUDENT DISCIPLINE, POSITIVE SCHOOL CLIMATE, AND EFFECTIVE CLASSROOM MANAGEMENT

VII.I.1.: The District's Student Code of Conduct implemented after the effective date of this Consent Order or after the previous annual report.

Notes:

The documents responsive to this reporting requirement are the Behavioral Learning Guide (“BLG”), the Elementary Matrix, and the Secondary Matrix. Annually, the District receives feedback on the Behavioral Learning documents from principals, assistant principals, students, teachers, families, the DAC, members of the community, and the United States. The District uses that feedback to make minimal changes to the Behavioral Learning documents. The District's principal goal is to reduce the disparity in discipline, and it believes that consistency in the Behavioral Learning documents will help it do so.

* * *

VII.I.2.: *For the 2020-21 school year*, a list of professional development activities required by Section VII, including the date, duration, subject matter, presenter and number of individuals in attendance by group (e.g., principals, teachers).

Notes:

According to the Consent Order, “[t]he District will provide initial and annual refresher professional development, which may be online, for teachers and

administrators on the revised Student Code of Conduct.” (Doc. 450, p. 77). The Consent Order also calls for two faculty meetings per semester on topics pertinent to the Behavioral Learning documents (BLG and Matrices) and the implementation of positive school climate practices (Positive Behavior Interventions and Supports (“PBIS”) and Restorative Practices). The Consent Order also calls for other staff training pertaining to the implementation of these programs.

* * *

VII.I.3.: For the 2020-21 school year, the information provided to parents/guardians pursuant to Section VII.

Notes:

This report shows the District’s outreach efforts during the fall of the 2020-21 school year. Due to the limitations on in person meetings to mitigate the spread of COVID-19, the District recorded informational videos and shared them using Facebook Live. The District was not able to track the race of participants due to limitations caused by the Facebook live view counter.

* * *

VII.I.4.: For the 2020-21 school year, and for each school, the total number and percentage of students receiving a disciplinary referral, disaggregated by race, in-school suspension, out-of-school suspension, expulsion, school referrals to law enforcement and alternative school placement and plans/strategies developed and implemented as a result

of the District's review in Section VII.G.⁵

Notes:

During the 2020-21 school year, the District saw a significant decrease in student discipline; however, as mentioned above, the District believes that this decrease was driven more by the reduced number of students on campus due to COVID-19. While the District would like to see this trend continue, preliminary data for the 2021-22 school year shows that the District's data will return to its previous levels.

Year	% of Group with ISS			% of Group with OSS		
	Black	White	Other	Black	White	Other
2014-15	9%	4%	3%	11%	2%	3%
2015-16	11%	4%	5%	11%	2%	3%
2016-17	14%	5%	7%	11%	2%	3%
2017-18	18%	7%	8%	14%	3%	4%
2018-19	22%	7%	10%	17%	4%	5%
2019-20	17%	5%	8%	11%	2%	3%
2020-21	6%	3%	3%	4%	1%	1%

The Consent Order requires that the District report “plans/strategies developed and implemented as a result of the District’s review in Section VII.[H].”

⁵ The requirement for the District to meet and review is found in Section VII.H. (See Doc. 450, p. 83) As such, this reporting requirement should read “VII.H.” instead of “VII.G.”

(Doc. 450, p. 85). This reporting requirement references the District's obligation to work:

with the individual schools, [to] collect and review discipline data for each school, including any alternative school, on at least a semester basis to: identify changes in rates of office referrals and discipline consequences issued (e.g., in-school suspension, out-of-school suspension) and changes in racial disparities, if any; and to monitor for appropriate implementation of the Code of Conduct and effectiveness of student plans developed by PSTs. Based on this review, **the District will develop and implement strategies to address issues regarding implementation of the Student Code of Conduct or other school-level and District-level issues identified for improvement, such as racial disparities.**

(Doc. 450, p. 83) (emphasis added). As in prior years, the District implements this requirement in a number of ways. In a typical year, the District holds regular district-level meetings to review student discipline data in order to determine trends. Additionally, school leaders present their data to District leadership as part of school-data reviews. This presents another opportunity for school leaders to identify student discipline trends. However, given the significant reduction in student discipline during the 2020-21 school year, the District's 2020-21 emphasis was more on addressing instructional issues presented by COVID-19 (i.e., educating virtual students; managing blended classrooms; working to prepare students for new proficiency measures; and ensuring that students emotional and physical needs were met).

Notwithstanding the foregoing, the District has tried to be responsive to specific concerns about disparities in the District. For example, schools the DAC identified as having specific racial disparities in discipline developed plans to address disparities in discipline.⁶ Examples of these plans have been included in the District's report.

* * *

X. MONITORING, REPORTING, AND OVERSIGHT

X.A.: *For the 2021-22 school year*, the District will provide the United States a copy of its student enrollment database electronically in Microsoft Excel or similar format and will file with the Court a report of its student enrollment, disaggregated by school and race.

Notes:

This report shows the student enrollment disaggregated by race and school for the 2021-22 school year.

* * *

X.G.: *For the 2020-21 school year*, the District will provide the United States and the Court with its annual budget and a list of District expenditures related to the implementation of the Consent Order for the previous school year.

Notes:

This report contains the District's annual budget for the 2021 fiscal year. This

⁶ The District found that the disparities in a couple of schools identified by the DAC were so small in magnitude that it was impractical to develop schoolwide plans to address them. The District focused on those schools with larger magnitude disparities.

report also contains a list of some of the expenditures related to the implementation of the Consent Order. As explained in previous years, there is almost no aspect of the District's budget that does not, in some part, touch on the implementation of the Consent Order. Nevertheless, to be as informative to the Court as possible, the District has tried to include the largest Consent Order costs in the list of expenditures.

For the last couple of years, the District has kept the Court aware of its financial difficulties. This year, as described in the introduction section above, the District is able to provide a good news story regarding its finances. As a reminder to the Court, the Alabama Administrative Code requires the District to have one-month's operating budget in reserve at the close of the fiscal year. As of September 2021, the District has nearly 4.5 months operating budget in reserve.

* * *

WHEREFORE, and in consideration of the foregoing, the Board submits the following Evidentiary Submission of the Sixth Consent Order Report:

EXHIBIT II.D.8.a.: Documents responsive to § II.D.8.a. of the Consent Order

EXHIBIT II.D.8.b.1.: Documents responsive to § II.D.8.b.1. of the Consent Order

EXHIBIT II.D.8.b.2.: Documents responsive to § II.D.8.b.2. of the Consent Order

EXHIBIT II.D.8.b.3.: Documents responsive to § II.D.8.b.3. of the Consent Order

EXHIBIT II.F.1.: Documents responsive to § II.F.1. of the Consent Order

EXHIBIT II.F.2.: Documents responsive to § II.F.2. of the Consent Order

EXHIBIT II.F.3.: Documents responsive to § II.F.3. of the Consent Order

EXHIBIT II.F.4.: Documents responsive to § II.F.4. of the Consent Order

EXHIBIT II.F.5.: Documents responsive to § II.F.5. of the Consent Order

EXHIBIT III.M.1.a.: Documents responsive to § III.M.1.a. of the Consent Order

EXHIBIT III.M.1.b.: Documents responsive to § III.M.1.b. of the Consent Order

EXHIBIT III.M.1.c.: Documents responsive to § III.M.1.c. of the Consent Order

EXHIBIT III.M.1.d.: Documents responsive to § III.M.1.d. of the Consent Order

EXHIBIT III.M.1.e.: Documents responsive to § III.M.1.e. of the Consent Order

EXHIBIT III.M.1.f.: Documents responsive to § III.M.1.f. of the Consent Order

EXHIBIT III.M.1.g.: Documents responsive to § III.M.1.g. of the Consent Order

EXHIBIT III.M.1.h.: Documents responsive to § III.M.1.h. of the Consent Order

EXHIBIT III.M.2.: Documents responsive to § III.M.2. of the Consent Order

EXHIBIT IV.H.1.: Documents responsive to § IV.H.1. of the Consent Order

EXHIBIT IV.H.2.: Documents responsive to § IV.H.2. of the Consent Order

EXHIBIT IV.H.3.: Documents responsive to § IV.H.3. of the Consent Order

EXHIBIT V.D.1.: Documents responsive to § V.D.1. of the Consent Order

EXHIBIT V.D.2.: Documents responsive to § V.D.2. of the Consent Order

EXHIBIT V.D.3.: Documents responsive to § V.D.3. of the Consent Order

EXHIBIT V.D.4.: Documents responsive to § V.D.4. of the Consent Order

EXHIBIT V.D.5.: Documents responsive to § V.D.5. of the Consent Order

EXHIBIT V.D.6.: Documents responsive to § V.D.6. of the Consent Order

EXHIBIT V.D.7.: Documents responsive to § V.D.7. of the Consent Order

EXHIBIT V.D.8.: Documents responsive to § V.D.8. of the Consent Order

EXHIBIT V.D.9.: Documents responsive to § V.D.9. of the Consent Order

EXHIBIT V.D.10.: Documents responsive to § V.D.10. of the Consent Order

EXHIBIT V.D.11.: Documents responsive to § V.D.11. of the Consent Order

EXHIBIT V.D.12.: Documents responsive to § V.D.12. of the Consent Order

EXHIBIT V.D.13.: Documents responsive to § V.D.13. of the Consent Order

EXHIBIT VI.C.: Documents responsive to § VI.C. of the Consent Order

EXHIBIT VII.I.1.: Documents responsive to § VII.I.1. of the Consent Order

EXHIBIT VII.I.2.: Documents responsive to § VII.I.2. of the Consent Order

EXHIBIT VII.I.3.: Documents responsive to § VII.I.3. of the Consent Order

EXHIBIT VII.I.4.: Documents responsive to § VII.I.4. of the Consent Order

EXHIBIT X.A.: Documents responsive to § X.A. of the Consent Order

EXHIBIT X.G.: Documents responsive to § X.G. of the Consent Order

RESPECTFULLY SUBMITTED this 15th day of November.

/s/ Christopher M. Pape

Christopher M. Pape

J.R. Brooks

Zachary B. Roberson

Christopher M. Pape

J.R. Brooks

Zachary B. Roberson

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CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the CM/ECF electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid.

/s/ Christopher M. Pape
Christopher M. Pape